

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT WILLIAMS,

Petitioner,

v.

J. B. LEMPKE,

Respondent.

USDC SDNY
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ORDER

11 Civ. 2504 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Robert Williams, proceeding pro se, filed a petition for a writ of habeas corpus. (Dkt. No. 1) On August 1, 2011, this Court referred the petition to Magistrate Judge James L. Cott for a Report and Recommendation (“R & R”). (Dkt. No. 9) On June 1, 2012, Judge Cott issued a 41-page R & R recommending that this Court deny the petition in its entirety, and that the Court decline to issue a certificate of appealability pursuant to 28 U.S.C. § 2253(c)(1)(A). (Dkt. No. 16)

The R & R was sent to the parties on June 1, 2012. According to 28 U.S.C. § 636(b)(1)(C), “[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations.”¹ 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b)(2) (stating that “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations”). To date, this Court has received no objections to the R & R.

¹ The R & R recites the requirement that parties must file objections within fourteen days of service, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, and the consequences for failure to timely object. (Dkt. No. 16, at 40)

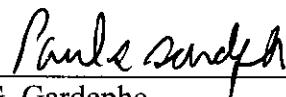
In evaluating a Magistrate Judge's R & R, a district court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). When a timely objection has been made to the Magistrate Judge's recommendations, "[the district court judge] shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Razo v. Astrue, No. 04 Civ. 1348(PAC)(DF), 2008 WL 2971670, at *3 (S.D.N.Y. July 31, 2008) (citing Pizarro v. Bartlett, 776 F.Supp. 815, 817 (S.D.N.Y.1991)). However, "[f]or uncontested portions of the R & R, the court need only review the face of the record for clear error." Razo, 2008 WL 2971670, at *3 (citing Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)). Because no timely objections have been filed, this Court will review the R & R for clear error.

Having conducted a review of the R & R, the Court finds that the Report is not clearly erroneous and, in fact, is in conformity with the law. Accordingly, the Report's recommendations are adopted in their entirety: Williams's Petition is denied, and no certificate of appealability will issue under 28 U.S.C. § 2253(c)(1)(A).

The Clerk of the Court is directed to close this case. The Clerk of the Court is further directed to mail a copy of this Order to pro se Petitioner Robert Williams, 08-A-4386, Five Points Correctional Facility, P.O. Box 119, Romulus, NY 14541.

Dated: New York, New York
September 26, 2014

SO ORDERED.



Paul G. Gardephe
United States District Judge